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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/652,478	08/31/2000	Labeeb K. Ismail	155785-0005	2895	
23386	7590 10/26/2005		EXAM	EXAMINER	
	WES ANDRAS & SH	BUI, KIEU	BUI, KIEU OANH T		
19900 MACA SUITE 1150	RTHUR BLVD.,		ART UNIT	PAPER NUMBER	
IRVINE, CA 92612			2611		

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/652,478	ISMAIL ET AL.	
Examiner	Art Unit	
KIEU-OANH T. BUI	2611	

	g o. app ca. =c.	Examiner	Art Unit						
		KIEU-OANH T. BUI	2611						
The MAILIN	The MAILING DATE of this communication appears on the cover sheet with the correspondence address								
THE REPLY FILED 03	October 2005 FAILS TO PLACE THIS	APPLICATION IN CONDITION FO	R ALLOWANCE.						
THE REPLY FILED <u>03 October 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:									
	eply expires $\underline{3}$ months from the mailing date of		. Carlotte de la litera						
event, however,	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.								
MONTHS OF T	Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).								
been filed is the date for pur CFR 1.17(a) is calculated from	obtained under 37 CFR 1.136(a). The date on poses of determining the period of extension a com: (1) the expiration date of the shortened stay received by the Office later than three monthernt. See 37 CFR 1.704(b).	and the corresponding amount of the fee. atutory period for reply originally set in the	The appropriate extension final Office action; or (2)	on fee under 37 as set forth in (b)					
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).									
AMENDMENTS									
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);									
 (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or 									
	t additional claims without canceling a	corresponding number of finally re	jected claims.						
	e Continuation Sheet. (See 37 CFR 1.1	· -							
4. The amendments	are not in compliance with 37 CFR 1.1	121. See attached Notice of Non-Co	ompliant Amendment	(PTOL-324).					
5. Applicant's reply	has overcome the following rejection(s):							
6. Newly proposed of the non-allowable	or amended claim(s) would be a	llowable if submitted in a separate	, timely filed amendm	ent canceling					
	ppeal, the proposed amendment(s): a)		ill be entered and an	explanation of					
how the new or an The status of the o	nended claims would be rejected is pro claim(s) is (or will be) as follows:	vided below or appended.		ол р .аао о,					
Claim(s) allowed:		·							
Claim(s) objected Claim(s) rejected:									
	n from consideration:								
AFFIDAVIT OR OTHER									
because applicant	ner evidence filed after a final action, but failed to provide a showing of good an r presented. See 37 CFR 1.116(e).	ut before or on the date of filing a N id sufficient reasons why the affida	lotice of Appeal will <u>n</u> vit or other evidence i	ot be entered s necessary					
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).									
10. The affidavit or o	ther evidence is entered. An explanatio NSIDERATION/OTHER	n of the status of the claims after e	entry is below or attac	hed.					
	econsideration has been considered bu	it does NOT place the application in	n condition for allowa	nce because:					
	d Information Disclosure Statement(s).	(PTO/SB/08 or PTO-1449) Paper	No(s)						
13. Other:									
		C.	Krista Bui Primary Examiner						
			A LLL III DOLL						

Art Unit: 2611

Continuation of 3. NOTE: The amendment to the claims changes the scope of the claims and introduces limitations that have not previously consider; i.e., "...receiving at least two simultaneous streams of video programming, each programming stream including a set of discrete altermative video programming segments, the video programming segments defining a plurality of content elements unrelated to one another..." A new search and further consideration is clearly required.